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**REMARKS****INTRODUCTION**

In accordance with the foregoing, claim 4 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-15 are pending and under consideration. Reconsideration is respectfully requested.

**ALLOWABLE SUBJECT MATTER**

In the outstanding Office Action at page 3, numbered item 7, the Examiner indicated that claims 8-11 are allowed. In the Office Action at page 3, numbered item 8, the Examiner indicated that claim 3 is allowed. In the Office Action at page 4, the Examiner indicated that claim 4 was objected to as being dependent upon rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Applicants respectfully submit that, as claim 4 has been rewritten in independent form including all of the limitations of the base claim, claim 4 is now in condition for allowance.

**REJECTION UNDER 35 U.S.C. §102**

In the Office Action at page 4, numbered item 13, claims 1, 2, 6, and 12-15 were rejected under 35 U.S.C. §102(e) as being anticipated by newly-cited U.S. Patent No. 6,385,643 to Takahashi et al. This rejection is traversed and reconsideration is requested.

Independent claim 1 is directed to a service distribution device for distributing specified services among a plurality of servers in which there is a difference in processing capacity on a network to balance the server loads. The service distribution device includes, in relevant part, "a server modeling module setting up a simulation model for each server from the server log," "a service modeling module setting up a simulation model for each service from the service log," "a simulator reading in the server model and the service model and running each simulation," and "a server selection module selecting and specifying an optimum server to distribute services to based on a simulator result." Thus, according to independent claim 1, a simulation module is set up for each server and each service, and then the simulation models are run by the simulator. An optimum server is then selected based on the results of the simulation(s). Independent claims 12-15 recite similar features.

Takahashi et al. is directed to a communications network control system that distributes a load according to the present status of the server. In the outstanding Office Action at page 4, the Office Action contends that Takahashi et al. teaches the above-referenced features of the

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present invention. In support of this contention, the Office Action cites Takahashi et al. at col. 14, lines 14-45, col. 5, lines 9-15, and col. 5, line 37 to col. 6, line 48. Applicants respectfully disagree and submit that Takahashi et al. fails to teach or suggest a server modeling module, a service modeling module, a simulator, or a server selection module, as recited in independent claim 1. Rather, Takahashi et al. teaches that a load is distributed according to the present status of the server. Takahashi et al. fails to teach or suggest distribution of server load based on the results of a simulation, as recited in independent claim 1. As independent claims 12-15 recite features similar to those of independent claim 1, Applicants respectfully submit that Takahashi et al. also fails to teach or suggest all of the features of claims 12-15.

As Takahashi et al. fails to teach or suggest all of the features of independent claims 1 and 12-15, Applicants respectfully submit that independent claims 1 and 12-15, and those claims depending directly or indirectly therefrom, patentably distinguish over the prior art and are, therefore, in condition for allowance.

#### REJECTIONS UNDER 35 U.S.C. §103

In the Office Action at page 7, numbered item 27, claim 5 was rejected under 35 U.S.C. §103 as being unpatentable over Takahashi et al. in view of Kleinrock. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Kleinrock is relied up only to teach generating the mean delay time of a system and generating the mean response time of a system. Applicants respectfully submit that Kleinrock fails to cure the deficiencies of Takahashi et al. set forth above with respect to independent claim 1, from which claim 5 depends. However, Applicants respectfully disagree with the Office Action's interpretation of Kleinrock and submit that Kleinrock teaches only generation of a mean response time of a system. Kleinrock fails to teach or suggest generating a mean value or a median value of a session time, as recited in dependent claim 5. For at least this reason, and those set forth above with respect to independent claim 1, Applicants respectfully submit that Takahashi et al. and Kleinrock, whether taken alone or in combination, fail to teach or suggest all of the features of dependent claim 5. Thus, claim 5 patentably distinguishes over the prior art and is in condition for allowance.

In the Office Action at page 8, numbered item 30, claim 7 was rejected under 35 U.S.C. §103 as being unpatentable over Takahashi et al. in view of Zhu. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and

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reconsideration is requested.

Claim 7 depends indirectly from independent claim 1. Zhu is relied upon to teach the features not found in independent claim 1. Zhu, however, fails to cure the deficiencies noted in Takahashi et al. Further, Applicants respectfully submit that Zhu fails to teach or suggest making a selection based on a simulation or simulated value. Accordingly, Applicants respectfully submit that Takahashi et al. and Zhu, taken alone or in combination, fail to teach or suggest all of the features of dependent claim 7. Thus, claim 7 patentably distinguishes over the prior art and is in condition for allowance.

### CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 14 March 2006

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